

FOR IMMEDIATE RELEASE

January 10, 2006
(Revised January 19, 2006)

The United States Court of Appeals for the Federal Circuit proposes to amend its Internal Operating Procedures (IOP). This amendment is subject to public notice and comment under 28 U.S.C. § 2071(b).

Attached for public comment is a revision to Federal Circuit Internal Operating Procedure 14. Three sentences to the end of IOP 14, paragraph 2(a) have been added. The proposed change has been italicized.

All suggested alternatives should be submitted according to the attached "Format for Proposing Changes to Federal Circuit Rules & IOPs."

Comments should be sent to:

Office of the Clerk
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

Since these changes affect the internal operations of the court, and do not directly impact the bar and public, the comment period has been shortened.

**Comments must be received by the close of business on
January 31, 2006.**

DATE: XXXX, 2006

SUBJECT: HEARING AND REHEARING EN BANC -- DISSOLUTION OF EN BANC

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2. Petitions for rehearing en banc.

(a) Action on a petition for rehearing en banc that is part of a combined petition for panel rehearing and rehearing en banc will be deferred until the panel has acted on the petition for rehearing. A petition for rehearing en banc that is not combined with a petition for panel rehearing will be presumed to request relief that can be granted by the panel that heard the appeal; consequently, the clerk will send it promptly upon filing first to the panel in accordance with IOP # 12, paragraph 1(b), and action on the petition for rehearing en banc will be deferred until the panel has had the opportunity to grant the relief requested. If the panel either takes no action or grants less than all of the relief requested, the clerk shall send both the combined petition and any response considered by the panel to the active judges of the court and to any judge who was a member of the panel that heard the appeal or other matter but is not an active judge of the court, allowing seven working days (fourteen working days in July, August, or September) for any of these judges to request a response to the petition for rehearing en banc. *During the en banc process, even after the normal time for panel action has expired, but before a poll has been requested to take the case en banc, the panel may reclaim jurisdiction over the petition for the purpose of modifying the decision or opinion. Following such action, circulation to the full court of the modified opinion, if precedential, would occur as usual, within a new 8-day circulation period beginning to run again from the date of the modification. If the panel changes the opinion or judgment, any party may take whatever action is available to it in accordance with the provisions of Fed. R. App. P. 35.*

FORMAT FOR PROPOSING CHANGES TO FEDERAL CIRCUIT RULES & IOP'S

Current Rule	Proposed Rule	Rationale
If there is an existing rule or internal operating procedure, set it forth verbatim in this column.	When there is an existing rule, please put it verbatim in this column with the deletions lined out and the new material highlighted. If there is no pre-existing rule, simply set forth the proposed rule.	Provide as much background and rationale as you believe is necessary.

The Court would appreciate written submissions being accompanied by a diskette annotated with the word processing and virus scanning programs used.